

EXHIBIT M

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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REPORTING & VIDEO, INC.



HITUL GANDHI, individually)
and on behalf of a class of)
others similarly situated,)

Plaintiff,)

vs.)

No. A-08-CA-248-JRN

DELL INC., and DELL)
MARKETING USA, L.P.,)

Defendant.)

CATHERINE L. DAVIS and TOMMY)
MOORE, Individually and on)
Behalf of others similarly)
situated,)

vs.)

No. A-08-CA-794-JRN

DELL, INC. d/b/a DELL)
COMPUTER, INC., a Delaware)
corporation, DELL USA L.P.,)
a Texas Limited Partnership)
and DELL MARKETING L.P., a)
Texas Limited Partnership,)

Defendant.)

COPY

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3 DEPOSITION OF MYRON HAWK SCHROUF
4 TAKEN ON BEHALF OF THE DEFENDANTS
5 IN OKLAHOMA CITY, OKLAHOMA
6 ON DECEMBER 19, 2008
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13 Reported by: Elizabeth Caudill, CSR, RMR, CRR
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1 A Had not.

2 Q And my understanding of it is that you
3 pull up the program and it literally gives you,
4 in effect, a time sheet, and then you have to go
5 in and fill in the hours; is that correct?

6 A You know, I don't remember exactly how
7 we did it.

8 Q So you don't remember whether you
9 filled it in or somebody else did?

10 A Well, I kept track of my own time.

11 Q Oh, okay. And as far as you know, was
12 the time that you kept track of accurate?

13 A As far as I know.

14 Q And so somewhere between the time that
15 you put it in and the time it ultimately got paid
16 for is where the problem arises or you think
17 there might be a problem?

18 A Okay. Clear that up for me, if you
19 will.

20 Q Sure. I guess, in other words, it's
21 not a question of the time didn't get put in the
22 system right because you put in the time.

23 A Uh-huh.

24 Q Is that fair?

25 A I put in the time, right.

1 A When I first started, I believe that's
2 what I was.

3 Q And then maybe you moved to an SR1?

4 A Correct.

5 Q Do you know if you ever got to SR2?

6 A You know, I don't remember that.

7 Q And one of the differences between an
8 SR1B and an SR1, at least on this, is a
9 difference in the mix. As an SR1B, it's an 80/20
10 mix and as an SR1, 60/40.

11 Do you recall, was that your mix
12 between commission and base when you were there?

13 A I believe that's correct.

14 Q That you started off with 80 percent
15 base pay guaranteed and 20 percent commission?

16 A Yeah.

17 Q And then once you had a little
18 experience and got promoted, you moved to a lower
19 base but more potential for commission?

20 A Correct. That's my recollection.

21 Q And the top line talks about the 80
22 percent of your annual total targeted
23 compensation.

24 Do you remember that phrase being used,
25 "total targeted compensation"?

1 A It was a monthly quota.

2 Q Okay. Now, if you look at page 4 of
3 the document we were looking at, the two slides
4 on overtime pay -- it's Dell 1795, too, at the
5 bottom.

6 A Okay.

7 MR. FARHA: Thank you.

8 Q (By Mr. Fox) And I believe you said you
9 don't recall having seen these.

10 A I do not.

11 Q Let me ask you: You understood that
12 you were receiving a salaried -- let me make
13 sure.

14 Did you understand that you were
15 classified as salaried non-exempt?

16 A Salaried non-exempt?

17 Q Yes, sir. So that you were eligible
18 for overtime even though you were getting a
19 salary?

20 A Okay. I was eligible for overtime.

21 Q And that you were paid on a bi-weekly
22 basis?

23 A Correct.

24 Q And so in each bi-weekly paycheck, you
25 would get base pay, and then if you had worked

1 more than 40 hours in any week, you would get
2 some amount of overtime pay; is that correct?

3 A I believe that's right.

4 Q And then how often were you paid for
5 commissions?

6 A I don't remember --

7 Q Okay.

8 A -- whether it was --

9 Q Bi-weekly or --

10 A Yeah.

11 Q -- maybe in every other check or
12 something like that?

13 A I don't remember.

14 Q Then my understanding is that you also
15 would get a quarterly overtime check tied to your
16 incentive or commission payments. Is that
17 accurate?

18 A Quarterly overtime check?

19 Q Yes.

20 A I --

21 Q Don't remember that? Do you remember
22 getting a quarterly check that was just usually a
23 relatively small amount but was just sort of a
24 separate check?

25 A No.